



*Academic Year: 2014-2015*

# Collective Labor Law (22704-T4)

**Degree:** Law

**Course:** Third

**Term:** Second

**ECTS:** 4

**Workload:** 100 hours

**Teaching language:** English

**Professor:** Alexandre de le Court

## 1. Goals

The goal of this Course is to offer the students theoretical and practical approaches to understanding both union and non-union collective rights including freedom of association and others channels of workers representation, collective bargaining and the right to strike. The Course will begin by situating collective rights in a broader legal and theoretical framework to understand labor law, as well as in a historical process. The syllabus dedicates an important space to analyzing collective rights under a multilevel legal perspective integrating international, comparative and European Union law in an interactive way with national regulations. Case-law is a crucial part of the study.

## 2. Skills and capabilities

The Course will provide students with a strong educational foundation in collective rights of workers both from an international, comparative and EU perspective and a Spanish perspective, with a focus on representation, collective bargaining and strikes as covered in legislation and jurisprudence. The skills to be developed among students will allow them to organize union elections within firms, understand the competencies and guarantees corresponding to those elected, negotiate and interpret collective bargaining agreements and organize strikes and resolve conflicts. This training will also provide students with a broadened understanding of constitutional rights.

General or Transversal Skills	Subject-specific skills
G1. Analysis and Synthesis skills G4. Ability to Resolve Problems G5. Motivation for critical reasoning G6. Ethical compromise and reflection G7. Ability to Negotiate and Mediate G11. Creativity and Ability to interrelate different subjects of knowledge	E2. Ability to use constitutional values and principles as work instrument for the interpretation of legal systems E3. Ability to use the different legal sources E4. Ability to Recognize and express basic knowledge for legal argumentation E8. Identification of the different forms of creation of Law within its historical evolution and the present reality Ability to assess the importance of Collective Labour Law as a regulation system of industrial relations and understanding of its national and



	international context, its origin and its historical evolution, as well as the ability to use constitutional and international values and principles as tools for the interpretation of the labour law system.
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### 3. Syllabus

#### **Session 1.- Collective rights : elements of the historical process .**

1.- The labor movement in the context of other social actors and internationalization. 2.- Identifying characteristics of unions and other forms of representation in civil society. 3.- Democracy, interest representation and globalization. 4- Activism and conflict under regulatory perspective of labour relations. 5. Collective rights and the idea of labour law.

#### **Session 2.- Transnational regulation of collective rights.**

1.- International norms and collective rights. 2.- The regulation of collective rights in the European Union. 3.- Forms of worker participation in the European Union. 4.- Sources of regulation of labor in the European Union: Council Directive Agreements and sectorial agreements. 5.- Conflict and activism in the European Union: euro-strikes.

#### **Session 3.- Constitutional model of collective rights.**

1.- The Spanish Constitution as a legal norm. 2.- Collective rights as fundamental rights. 3.- Keys to the identification of freedom of association as a fundamental right. 4.- Keys to the identification of the constitutional content of collective bargaining. 5.- Keys to the identification of the fundamental rights underpinning the strike.

#### **Session 4.- Legal development of the freedom of association : The *Ley Orgánica de Libertad Sindical***

1.- Subjects of the freedom of association. 2.- The components of the freedom of association: Individual and collectives rights. 3.- Unions and representativeness. 4.- Promotion and protection of freedom of association. Union sections and union representatives. Functions. Guarantees. Judicial process.

#### **Session 5.- Non-union channels of worker representation.**

1.- Workplace size and worker representation. 2.- Works councils. Functions. Guarantees. 3.- Worker representatives. Functions. Guarantees. 4.- Worker assemblies as a mechanism of representation.



### Session 6.- Collective bargaining under the *Estatuto de los Trabajadores*.

1.- Collective bargaining agreements under the *Estatuto de los Trabajadores*. 2.- Bargaining units. 3.- Who is entitled to negotiate? 4.- The process of negotiation. Efficacy of the agreement. 5.- Validity of the collective bargaining agreement. 6.- Rules for articulating collective bargaining agreements. 7.- Techniques to extend agreements: adhesion and extension of previous agreements.

### Session 7.- The legal framework of the right to strike.

1.- Legal framework and fundamental rights . The strike as freedom and the strike as a fundamental right. 2.- The fundamental right to strike as collective and as individual right. 3.- Calling a strike. The strike process. Strike committees. 4.- The illegal strikes. 5.- Strikes and essential services for the community. 6.- Ways to resolve the conflict.

## 4. Evaluation

General Evaluation System					
Evaluation Activity	Evaluation criteria	% of final mark	Retake	% retake exam	Evaluated Skills
Written test about the theoretical questions taught during the classes	From 0 to 10 A mark of 4 or less involves a suspension mark for the whole course	60%	Can be retaken by the realization of a new written	60%	G1, G5, G6, G11, E2, E3, E4, E8



Assignments, participation in seminars.	From 0 to 10 A mark of 3 or less or the failure to hand in the assignments on time involves a suspension mark for the whole course	30%	Can be retaken by the realization of a written	30%	G1, G4, G5, G7, G11, E2, E3
final practical exam.	A mark of 4 or less involves a suspension mark for the whole course	10%	Can be retaken by the realization of a written	10%	G1, G4, G5, G7, G11, E2, E3

**Evaluation System for Students Participating in Mobility Programs  
(2 options)**

<b>Evaluation activity</b>	<b>Evaluation Criteria</b>	<b>% of Final Mark</b>	<b>Date</b>	<b>Evaluated Skills</b>
Written exam about the theoretical questions taught during the class and resolution of practical cases.	From 0 to 10	100%		G1, G4, G5, G6, G7, G11, E2, E3, E4, E8
<b>OR</b>				

General evaluation system without the need to participate in seminars (but obligation to hand in assignments on time and pass a Skype or face-to-face



interview about the content of the assignments to verify the work of the student)

## 5. Bibliography

### 5.1. Basic Bibliography

- Derecho del Trabajo. Antonio Martín Valverde, Fermín Rodríguez-Sañudo Gutiérrez y Joaquín García Murcia. 2013, Tecnos. 22<sup>a</sup> Edición. ISBN: 13 9788430953479
- Legislación Social Básica. Publicación: Madrid. Civitas, 2013. Edición 32<sup>a</sup>.
- Legislación laboral y de Seguridad Social. Códigos Básicos, Aranzadi. Autores: Jesús Galiana Moreno, Antonio V. Sempere Navarro. Edición: 21<sup>a</sup> (2013). ISBN: 978-84-9903-921-3.

## 6. Methodology

Students will receive instruction both in theory and practice. The syllabus will be organized around lecture classes and seminar discussions. Some theory classes will require the previous lecture of materials on the subject. Some theoretical elements, mostly linked to legislative application, might be explained in the seminars, which will deal with theoretical discussions and practical cases, involving the handling and analysis of case-law and “real-life” collective agreements and materials (some of them in Spanish). Assignments can involve preparation of the seminar, and/or constitute exercises of consolidation after the seminar.

The course will also be centered on the use and reference of legislation and other international or national legal instruments. Students are therefore asked to bring the relevant instruments to the theory classes as well as to the seminars. In the latter case, the effective use of legal instruments is part of the evaluation of the participation. An English translation of the main Spanish legal instruments will be provided on-line, as well as a lexicon of the main legal concepts and terms and their translation in Spanish.